

Clerk, U.S. District Court  
Southern District of Texas  
FILED

A091 (Rev. 8/01) Criminal Complaint

MAY 03 2016

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA  
V.

**CRIMINAL COMPLAINT**

**Jacob Anthony Harper**

Case Number: **C-16-548M**

**&**

**~~Romello Burros~~**

**Roemello Burros**

(Amended by JBL on May 5, 2016)

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 5/2/2016 in Brooks County, in the  
(Date)

Southern District of Texas defendant(s) **Jacob Anthony Harper  
& Romello Burros**

each aiding, abetting and assisting one another, did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the  
Official Title following facts:

See Attached Affidavit of U.S. Border Patrol Agent **Eberto R. Cabello**

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Signature of Complainant

**Eberto R. Cabello**

Printed Name of Complainant

Sworn to before me and signed in my presence,  
and probable cause found on:

May 3, 2016

Date

at

Corpus Christi, Texas

City and State

Jason B. Libby, U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

### **AFFIDAVIT**

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information relayed to me by other agents and officers participating in the investigation.

#### **PROBABLE CAUSE / FACTS:**

On May 02, 2016, Border Patrol Agent (BPA) Joshua Garza was assigned primary immigration inspection duties at the United States Border Patrol Checkpoint located on Highway 281 near Falfurrias, Texas. BPA Hector Gonzalez and his service canine were working alongside BPA Joshua Garza.

At approximately 09:45 a.m., a black Ford Mustang bearing Texas license plate (DD3W718) approached the primary inspection lane for an immigration inspection of its occupants. BPA Garza initiated his inspection by asking the driver, later identified as Jacob Anthony Harper, and the front seat passenger, later identified as Romello Malik Burros, if they were United States citizens. Both occupants responded "yes". BPA Garza proceeded to ask Mr. Harper where they were going, which he did not answer. BPA Garza observed Mr. Harper exhibiting signs of nervousness during the line of questioning to include failure to maintain eye contact, shaking, and rapid tapping of his fingers on the steering wheel. BPA Garza again asked Mr. Harper the same question; at this point, Mr. Burros interjected and responded for Mr. Harper by stating they were headed to Houston, Texas. BPA Garza proceeded to ask where they were traveling from and noticed that Mr. Harper was again exhibiting the same nervous indicators. The passenger, Mr. Burros, again interjected and responded that they were coming from McAllen, Texas. The agent notes that he interpreted the encounter as an abnormal interaction with the occupants.

BPA Gonzalez simultaneously utilized his canine to conduct an inspection of the vehicle during the primary agent's encounter. BPA Gonzalez relayed to BPA Garza that his canine had alerted to the vehicle and requested that the vehicle be referred to secondary for a more thorough inspection. BPA Garza asked Mr. Harper for consent to search the vehicle and was granted said consent. The agent directed the vehicle to the secondary inspection area.

At the secondary inspection area, BPA Garza asked Mr. Harper and Mr. Burros to turn the ignition off and exit the vehicle. The agent notes that Mr. Harper continued to exhibit signs of nervousness and was having difficulty in removing the keys from the ignition port. BPA Gonzalez conducted a subsequent search of the vehicle with his canine. The canine positively alerted to the trunk of the vehicle. BPA Gonzalez opened the trunk and discovered two adult males concealed within. The two admitted to being illegally present in the United States. All subjects were subsequently placed under arrest and were escorted into the checkpoint.

A database search revealed the vehicle's plates were captured travelling southbound near the Falfurrias Border Patrol Checkpoint on Highway 281 at 2:26 am CDT. It was later recaptured travelling northbound into the Falfurrias checkpoint primary inspection lane at 9:34 am CDT.

#### **MIRANDA RIGHTS/WARNING:**

BPA Garza read Mr. Harper his Miranda Rights as stated on service form I-214 in his preferred language of English and was witnessed by BPA Eric Garza. Mr. Harper signed the Miranda form

indicating he understood his rights but was unwilling to make a statement or answer questions without an attorney present. All questioning ceased.

BPA Garza read Mr. Burros his Miranda Rights as stated on service form I-214 in his preferred language of English and was witnessed by BPA Eric Garza. Mr. Burros signed the Miranda form indicating he understood his rights and was willing to make a statement and answer questions without an attorney present.

**PRINCIPAL STATEMENT (Romello Burros):**

BPA Garza questioned Mr. Burros regarding the people in the trunk of the vehicle, later identified as Reyes-Bachez, Jaime and Gutierrez-Avilas, Jose Enrique. Mr. Burros stated that they were driving back to Houston, Texas from McAllen, Texas. Mr. Burros stated he and Mr. Harper departed Houston around 8 pm on Monday night (May 1, 2016) to meet some girls in McAllen, Texas. Mr. Burros claims a man named Deon (ULN) had made arrangements for him and Mr. Harper to meet girls in McAllen, Texas. Mr. Burros stated that he met Deon at the basketball courts in Houston, Texas prior to this event. Mr. Burros stated that Deon called him constantly while they were traveling to McAllen, Texas. Burros stated that Deon kept wanting to know if they had met up with the girls yet. Mr. Burros stated Mr. Harper did the driving to McAllen and to the Checkpoint because he, Mr. Burros, did not have a driver's license. Mr. Burros stated that on the way to McAllen, they ran out of gasoline near Los Venados (San Manuel, TX) and an unidentified women in a truck towed them to the Flying J Truck Stop for gasoline. Mr. Burros stated he and Mr. Harper spent approximately 30 minutes at the Flying J Truck Stop. Mr. Burros stated that after refueling the car, they then met the girls on the side of the road near an exit. Mr. Burros stated they knew they were the girls because the girls flashed their headlights at them. Mr. Burros claims he did not know how the girls knew to meet them there. Mr. Burros states they then went to the girls' house for a short period of time to "hang out". Mr. Burros stated they were in possession of the Ford Mustang the entire time they were at the girls' house and that Mr. Harper had the keys. Mr. Burros then stated he and Mr. Harper left the house to return to Houston and arrived at the Falfurrias Checkpoint without making additional stops. Mr. Burros stated that Mr. Harper would know more of what was going on and claimed that he, Mr. Burros, was unaware of the people in the trunk.

**MIRANDA RIGHTS/WARNING: (Material Witness)**

Jaime Reyes-Bachez was read his Miranda Rights as stated on Service Form I-214 in the Spanish language by BPA C. Orzoco and witnessed by BPA J. Garza. The witness stated he understood his rights and agreed to answer questions without the presence of a lawyer and indicated so by signing Service Form I-214.

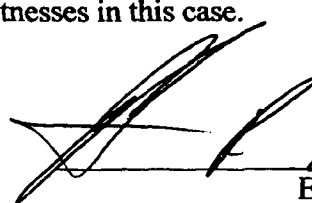
**MATERIAL WITNESS STATEMENT:**

Jaime Reyes-Bachez stated that after he illegally entered the United States, he was taken to a mobile home located in McAllen, Texas and stayed there for several days. He claims he and others were taken by their caretaker in a pick-up truck and was to transport the group elsewhere. Shortly after departing, Mr. Reyes claims that a law enforcement helicopter began to follow them and they subsequently had to flee from the vehicle into some brush and hid. He claims to have hid in the brush for three days until he walked out to the road and flagged down a passerby. He claims an unidentified man gave him a ride into the nearest town where Mr. Reyes was able to contact his mother via cellphone to explain what happened. He claims his mother told him she

would be contacting the smuggler to tell him where Mr. Reyes was located to be picked up. Mr. Reyes claims an unknown person, a smuggler, indeed picked him up and transported him to a home in McAllen, Texas. He claims to have only stayed there overnight and was later picked up by an unknown individual driving a grey Jeep. He was taken to a secluded road where a black Ford Mustang with the trunk lid open was waiting. Mr. Reyes was then instructed by the driver of the Jeep to enter the trunk of the Mustang. He claims he waited several minutes until another vehicle arrived to drop off another man. This man would later be encountered at the checkpoint concealed in the trunk with Mr. Reyes. The witness states the trunk was closed by one of the smugglers but claims he could not identify the person that closed the trunk or the driver of the vehicle. Mr. Reyes states the vehicle began to move once the trunk lid was closed and they remained in the trunk until they were discovered at the checkpoint. Mr. Reyes claims that at some point during the drive, the driver opened the trunk access door in the back seat and handed the other man in the trunk a wet rag. The rag was to be used to wash their hands. Mr. Reyes claims he did not see the driver and was unable to identify him in a photo-lineup.

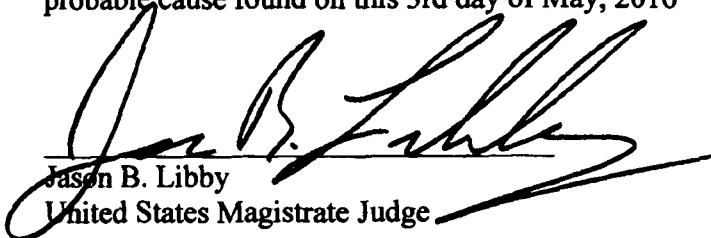
**DISPOSITION:**

The facts of this case were presented to Assistant United States Attorney Julie Hampton who accepted prosecution on Jacob Anthony Harper and Romello Burros for violation of Title 8 USC 1324. Jaime Reyes-Bachez will be held as a material witnesses in this case.



Eberto R. Cabello  
Border Patrol Agent

Sworn to before me, signed in my presence, and  
probable cause found on this 3rd day of May, 2016



Jason B. Libby  
United States Magistrate Judge